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FM AMEMBASSY LIMA
TO RUEHC/SECSTATE WASHDC IMMEDIATE 0317
INFO RUEHBO/AMEMBASSY BOGOTA IMMEDIATE 3352
RUEHOT/AMEMBASSY QUITO IMMEDIATE 0306
RUEHLP/AMEMBASSY LA PAZ MAY 3307
RUEHCV/AMEMBASSY CARACAS IMMEDIATE 9410
RUEHBU/AMEMBASSY BUENOS AIRES IMMEDIATE 2375
RUEHSG/AMEMBASSY SANTIAGO IMMEDIATE 0488
RUEKJCS/SECDEF WASHDC IMMEDIATE

C O N F I D E N T I A L LIMA 001774

SIPDIS

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FROM AMBASSADOR STRUBLE TO ASSISTANT SECRETARY JOHN HILLEN
DEPT FOR WHA/AND, EB/TRA/AN, PM/ISO
PENTAGON FOR USAF/XONP DALE CHANEY

E.O. 12958: DECL: 05/08/2016

TAGS: [EAIR](#) [ECON](#) [PGOV](#) [PE](#)

SUBJECT: PROPOSED ACTION ON LIMA AIRPORT FEES

REF: A) STATE 57224Q B) 05 LIMA 5267QC) 03 STATE 64266

Classified By: Ambassador James Curtis Struble for reasons 1.4 (b) and (d).

¶1. (U) This is an urgent action request from Ambassador Struble, please see para 4.

¶2. (C) Action request: Embassy Lima has been in dialogue with Washington agencies for nearly a year to resolve charges dating back to 2001 for landing, parking and other user fees at the Lima Jorge Chavez Airport (ref B). We offer a proposal in paragraph 4 that will resolve this significant bilateral dispute at no cost to the U.S. government and in a manner fully consistent with the U.S. interest. The Foreign Minister has called me twice in recent days to urge prompt steps to resolve this matter. He reports that Lima Airport Partners (the operating company) has said it will otherwise curtail services.

¶3. (U) Background: Under a 1996 agreement between the USG and GOP, all narcotics related flights are exempted from paying fees at Peruvian airports. In 2001, the GOP awarded a bid to a private consortium, Lima Airport Partners (LAP), to manage Lima's Jorge Chavez International Airport. Per the terms of its contract, the GOP reimburses LAP for the cost of servicing flights that are exempt from fees. On May 5, 2005, the Peruvian Ministry of Foreign Affairs sent us a diplomatic note requesting payment for all U.S. government flights made between February 14, 2001 and March 29, 2005. The note also requested that the Embassy indicate the narcotics-related flights, to exempt them from fees. The MFA has told the Embassy that the Ministry of Transportation has the funds to pay the fees but needs documentation that they were covered by a fee waiver agreement to do so. MFA has also noted that it has entered into bilateral agreements with a number of countries to waive fees (a symbolic one dollar charge is levied) for state-owned aircraft and expressed willingness to explore such an agreement with the United States. In Refs A and C, the Department advised that the USG considers Jorge Chavez to be a state-owned airport which, in keeping with international practice, should not charge U.S. state-owned aircraft that use the facility. The Embassy was instructed not to indicate which flights were narcotics-related but provided additional questions to review whether Jorge Chavez airport is state-owned.

¶4. (C) Proposal: We have determined, based on concrete

information at Post, that all flights for which we have records were narcotics related. There are 20 flights which are not documented in our records; nothing indicates that they are not narcotics related. We propose that:

--we send a diplomatic note to the MFA, stating that to the best of our knowledge and based on records available to the Embassy, all flights on the list sent to us by MFA are narcotics related. The dip note will also note for the record that it is U.S. policy, based on customary international practice, not to pay landing, parking and other fees for our state-owned aircraft that use government owned airports.

--the Department authorize Post to enter into negotiations with the GOP for an agreement on reciprocal waiver of future fees for state-owned aircraft, based on guidance in Ref C.

STRUBLE